

Notice of Allowability

Application No.

09/274,430

Examiner

David A. Foster

Applicant(s)

BARROW, MICHAEL

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 11/7/2001.
2. ☒ The allowed claim(s) is/are 17-51.
3. ☒ The drawings filed on 22 March 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>17</u> . | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DARREN SCHUBERG
PRIMARY EXAMINER

Supervisory Patent

DETAILED ACTION

**PERIMETER MATRIX BALL GRID ARRAY CIRCUIT PACKAGE WITH A
POPULATED CENTER**

Barrow

Continued Prosecution Application

The request filed on 9/7/2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/274,430 is acceptable and a CPA has been established. An action on the CPA follows.

Information Disclosure Statement

The Information Disclosure Statement filed November 7, 2001 has been placed in the application but will not be considered by the examiner. The Statement consists of approximately (60) pounds of prior art, which is made up of one hundred thirty nine (139) references which are cited on 11 pages of a form similar to PTO-1449. There is no discussion is provided to explain the relevance of the one hundred thirty nine references. Rule 37 C.F.R. 1.56(a) sets forth the requirements for duty of disclosure and states that the applicant has:

" a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability (emphasis added)".

The Rule then goes on to state:

" There is no duty to submit information which is not material to the patentability of any existing claim."

Rule 37 C.F.R. 1.56(b) clarifies what is intended by material to patentability and states:

" Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim"

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As is clear from the rule, applicant's duty of disclosure is intended to allow submission of relevant prior art which is believed to be material to the patentability of the claim(s) and which establishes a prima facie case of unpatentability of that claim. The intent of the rule was not to allow for submission of every patent in an art area irregardless of whether such is relevant to the claimed invention, or not. Clarification of the intent of the rule is set forth in MPEP section 2001.05 (page 2000-3) where it states "information is not material unless it comes within the definition of 37 CFR 1.15(b)(1) or (2). If information is not material, there is no duty to disclose the information to the Office." **Further clarification is set forth in MPEP section 2004**, entitled "Aids to Compliance With Duty of Disclosure", (pages 2000-6 and 2000-7), item thirteen (13), which states that **"It is desirable to avoid the submission of long lists of documents if it can be avoided. Eliminate clearly irrelevant and marginally pertinent cumulative information. If along list is submitted, highlight those documents which have been specifically brought to applicant's attention and/or are known to be of most significance."**

In the present application the submission does not comply with the intent of 37 CFR 1.56 by submitting one hundred thirty references with no discussion of relevance to the claims, and such submission goes against the public policy for which the Rule was written. By submitting such a large volume of prior art, it is apparent that the applicant has not tried to eliminate any irrelevant and cumulative information. The applicant has also failed to identify in any manner any piece of art which might be relevant, and the discussion which was submitted with the statement and groups large numbers of references under a blanket statement is of no assistance. Applicant's submission would be the equivalent to looking for a needle in a haystack to find anything which might be useful.

The court has recognized the irrelevance of submissions similar to that in this application, and has stated:

" Significantly, an applicant's duty of disclosure of material and information is not satisfied by presenting a patent examiner with **"a mountain of largely irrelevant [material] from which he is presumed to have been able, with his expertise and with adequate time, to have found the critical [material]. It ignores the real world conditions under which examiners work."** Rohm & Haas Co. v. Crystal Chemical Co. 722 F.2d 1556,1573 [220 USPQ 289], (Fed. Cir., 1983)". As delineated above, the submission does not comply with 37 CFR 1.56 and therefore has not been considered by the examiner.

Summary: Consideration of the Information Disclosure Statement filed November 7, 2001 is denied.

EXAMINER'S COMMENT

Examiner acknowledges Notice of Litigation and a Litigation search was made in the Patent Office on February 11, 2002.

Allowable Subject Matter

Claims 17-51 are allowed.

The following is an examiner's statement of reasons for allowance: Cited prior art does not teach nor disclose the combination of a semiconductor package having a substrate with three regions wherein the third region separates the first and second regions and a plurality of first and second contacts such that a smallest distance between adjacent contacts in the first region is different than a distance between first and second regions, and wherein the third region does not have any contacts.


Conclusion

The prior art made record and not relied upon is considered pertinent to applicant's disclosure. Lin et al. disclose a semiconductor device (Figure 1, item 10) having a standardized plastic pad array carrier package, a substrate having a die attach surface and a package mounting surface supports an electronic component which is conventionally bonded to die attach surface by a die bond. Pastore et al. disclose in paragraph 3 column 3 an invention which enables a semiconductor manufacturer to fabricate a semiconductor devices, particularly pad array devices, which have effective heat removal without increasing device size

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Foster whose telephone number is 703-308-1763. The examiner can normally be reached on Monday through Thursday and alternate Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg, can be reached on (703) 308-4815. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-5115.


DARREN SCHUBERG
PRIMARY EXAMINER
Supervisory Patent